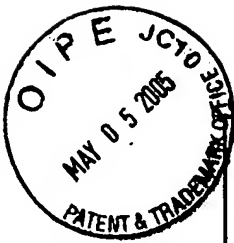


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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/664,513	
	Filing Date	September 16, 2003	
	First Named Inventor	Marc K. HELLERSTEIN	
	Art Unit	1645	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	12	Attorney Docket Number	416272003700

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement, (Supplemental, 3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. PTO/SB/08a/b (8 pages) 2. 97 Cited References 3. Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 20872)		
Signature	<i>Michael R. Ward</i>		
Printed name	Michael R. Ward		
Date	May 5, 2005	Reg. No.	38,651

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(Laura Tsang)

Patent
Docket No. 416272003700
B01-074

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marc K. HELLERSTEIN

Serial No.: 10/664,513

Filing Date: September 16, 2003

For: BIOCHEMICAL METHODS FOR
MEASURING METABOLIC FITNESS
OF TISSUES OR WHOLE ORGANISMS

Examiner: Not Yet Assigned

Group Art Unit: 1645

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.**
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
- ☐ A fee is required. A check in the amount of __ is enclosed.
- ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 416272003700.

Dated: May **5**, 2005

Respectfully submitted,

By 

Michael R. Ward

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/664,513
				Filing Date	September 16, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1645
				Examiner Name	Not Yet Assigned
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U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-4,332,784	06-01-1982	Smith et al.	
	2.	US-5,439,803	08-08-1995	Ross et al.	
	3.	US-6,653,076	11-25-2003	Franza, Jr. et al.	
	4.	US-2003/0148533	08-07-2003	Malloy et al.	
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	6.	US-2003/0180800	09-25-2003	Lee et al.	
	7.	US-2003/0228259-A1	12-11-2003	Hellerstein	
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	10.	US-2004/0152994	08-05-2004	Meier-Augenstein	
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	14.	US-10/519,121	FD 09-15-2003	Hellerstein	
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	21.	US-11/078,083	FD 03-11-2005	Hellerstein	
	22.	US-11/094,387	FD 03-29-2005	Hellerstein	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	23.	WO-90/11371	10-04-1990	Anticancer, Inc.		
	24.	WO-93/25705	12-23-1993	Barranco		
	25.	WO-03/061479-A1	07/31/2003	Hellerstein		
	26.	WO-03/068919-A2	08/21/2003	Hellerstein		
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	29.	WO-04/011426-A2	02/05/2004	Hellerstein		
	30.	WO-04/021863-A2	03/18/2004	Hellerstein		
	31.	WO-04/024941-A2	03/25/2004	Hellerstein		
	32.	WO-04/025270-A2	03/25/2004	Hellerstein		

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	34.	WO-05/009597-A2	02/03/2005	Hellerstein		
	35.	WO-05/015155-A2	02/17/2005	Hellerstein		
	36.	WO-05/033652-A2	04/14/2005	Hellerstein		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	37.	International Search Report mailed on January 19, 2005, for PCT application no. PCT/US03/29361 filed on September 15, 2003, 4 pages			
	38.	International Search Report mailed July 8, 2004, for PCT patent application no. PCT/US03/27623 filed on September 4, 2003, 4 pages			
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				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1645
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*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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